

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TALECRIS BIOTHERAPEUTICS, INC., and) BAYER HEALTHCARE LLC,) Plaintiffs,) v.) BAXTER INTERNATIONAL INC., and) BAXTER HEALTHCARE CORPORATION,) Defendants.) BAXTER HEALTHCARE CORPORATION) Counterclaimant,) v.) TALECRIS BIOTHERAPEUTICS, INC., and) BAYER HEALTHCARE LLC,) Counterclaim Defendants.))))))))))))))))))))	C.A. No. 05-349-GMS <u>Jury Trial Demanded</u> REDACTED VERSION DI 184
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**PLAINTIFFS' MOTION TO STRIKE PORTIONS OF DEFENDANTS' REPLY
BRIEF AND FOR SANCTIONS OR, IN THE ALTERNATIVE, FOR LEAVE TO
FILE A SURREPLY**

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*Of Counsel for Counterclaim Defendant
Bayer Healthcare LLC*

Dated: December 4, 2006

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TALECRIS BIOTHERAPEUTICS, INC., and)	
BAYER HEALTHCARE LLC,)	
)		
Plaintiffs,)
))
v.)
)		C.A. No. 05-349-GMS
)		
BAXTER INTERNATIONAL INC., and)	
BAXTER HEALTHCARE CORPORATION,)	Jury Trial Demanded
)		
Defendants.)
))
BAXTER HEALTHCARE CORPORATION)	
)		REDACTED VERSION DI 184
Counterclaimant,)
))
v.)
))
TALECRIS BIOTHERAPEUTICS, INC., and)	
BAYER HEALTHCARE LLC,)	
)		
Counterclaim Defendants.)
))

**PLAINTIFFS' MOTION TO STRIKE PORTIONS OF DEFENDANTS' REPLY
BRIEF AND FOR SANCTIONS OR, IN THE ALTERNATIVE, FOR LEAVE TO
FILE A SURREPLY**

Plaintiffs and Counterclaim Defendants Talecris Biotherapeutics, Inc. and Bayer Healthcare LLC (collectively, "Plaintiffs") submit this motion to strike portions of the reply brief (Docket Item ["D.I."] 182) filed by Defendants Baxter International Inc. and Baxter Healthcare Corporation (collectively, "Defendants") in support of their motion for leave to file an Amended Answer and Counterclaim, and for sanctions, or, in the alternative, for leave to file a surreply, pursuant to D. Del. LR. 7.1.3(b)(2), as set forth

fully in Plaintiffs' Opening Brief submitted concurrently herewith. The certification of counsel required by D. Del. LR. 7.1.1 is attached.

A copy of Plaintiffs' proposed Surreply is attached hereto as Exhibit A. A proposed form of Order and an alternate proposed form of Order are attached hereto as Exhibit B.

WHEREFORE, Plaintiffs respectfully request that the Court grant their motion and enter an Order in accord with those attached hereto as Exhibit B.

Respectfully submitted,

Bradford J. Badke, Esquire
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*Of Counsel for Counterclaim Defendant
Bayer Healthcare LLC*

Redacted Version: December 11, 2006
Dated: December 4, 2006

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TALECRIS BIOTHERAPEUTICS, INC., and)	
BAYER HEALTHCARE LLC,)	
)		
Counterclaim Defendants.)	
)		

CERTIFICATION OF COUNSEL UNDER LOCAL RULE 7.1.1

On December 4, 2006, counsel for Plaintiffs contacted counsel for Defendants and asked if they would oppose this Motion. Defendants' counsel would not consent, and indicated that they would oppose the Motion.

/s/ Jaclyn M. Mason

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CERTIFICATE OF SERVICE

I, Jeffrey B. Bove, hereby certify that on December 11, 2006, the within document was filed with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following; that the document was served on the following counsel as indicated; and that the document is available for viewing and downloading from CM/ECF.

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